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10/724,285	11/26/2003	Debargha Mukherjee	200310818-1	1157

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EXAMINER
PATEL, JAY P

ART UNIT	PAPER NUMBER
2466	

NOTIFICATION DATE	DELIVERY MODE
04/05/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
	10/724,285	MUKHERJEE ET AL.
Office Action Summary	Examiner	Art Unit	
	JAY P. PATEL	2466	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>15 February 2010</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-24</u> is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-3,7,9,11,14-18 and 20-24</u> is/are rejected.
7) ☒ Claim(s) <u>4-6, 8, 10, 12-13, 19</u> is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some * c) ☐ None of:
   1. ☐ Certified copies of the priority documents have been received.
   2. ☐ Certified copies of the priority documents have been received in Application No. _____.
   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 22-23 are rejected under 35 U.S.C. 101 because they are directed to "A transcoder for updating..." and "A system for...comprising: a transcoder..." respectively. However, on page 26 lines 11-13 state that "The transcoder can be......implemented in any combination of hardware, software and firmware." A transponder implemented solely as software is non-statutory.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims 1-3, 7, 9, 11, 14, 15-18 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukherjee and Said (HP invent literature titled Structured Scalable Meta-formats (SSM) for Digital Item adaptation (herein referred to as Mukherjee/Said) further in view of Washisu (US Patent 6393215 B1) further in view of Green (US Patent 6600432 B2).

2.   In regards to claims 1 and 2, Mukherjee/Said state in section 5.3 that there are pointers that specify offsets to or location of other parts of the bit-stream in a

compressed bit-stream. The resource descriptor allows specifying locations in the bit stream where offsets occurs, but does not specify exactly what these values are (provides support for a method for updating an offset in a bit stream subsequent to bit stream segment drops using a descriptor comprising descriptor data comprising a reference point in the bit stream and a numerical offset value from the reference point in the bit stream and the said reference point and said numerical offset value having eh ability to determine a pointer).

3.   However, Mukherjee/Said fail to teach evaluating whether the offset value has been dropped from the bit stream.

4.   Washisu however teaches the above-mentioned limitation. Washisu teaches that when an offset removal is determined (determination that the offset has been dropped) to within a predetermined range, a correction is carried out (see column 19, lines 52-57).

5.   Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to incorporate the determination of a removal of an offset bit as taught by Washisu into the compressed bit-stream containing offsets as taught by Mukherjee/Said. The motivation to do so would be to make adjustments in the bit stream.

6.   In further regards to claims 1 and 2, Washisu and Mukhejee/Said fail to teach, shifting a portion of descriptor data to the next or previous byte or setting the offset value to zero when the offset value has been dropped from the bit stream and having an indication to do so.

7.   Green however teaches the above-mentioned limitation. Green teaches byte offset of 0 by 400 translating into shifting the offset to the left by 3 (see column 6, lines 1-3).

8.   Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to incorporate the use of shifting bits as taught by Green into the teachings of Washisu and Mukherjee/Said. The motivation to do would be to provide correct shifting of the bit stream.

9.   In regards to claim 3, Mukherjee/Said state in section 5.3 that there are pointers that specify offsets to or location of other parts of the bit-stream in a compressed bit-stream.

10.   In regards to claim 7, on page 1 in the abstract section, Mukherjee/Said provide support for the use of XML.

11.   In regards to claims 9 and 11, Mukherjee/Said state in section 5.3 that there are pointers that specify offsets to or location of other parts of the bit-stream in a compressed bit-stream. The resource descriptor allows specifying locations in the bit stream where offsets occurs, but does not specify exactly what these values are (provides support for a method for updating an offset in a compressed bit stream upon dropping data from the compressed bit stream using a descriptor and establishing at least one reference point, at least one numerical offset value and at least one pointer in the descriptor associated with the compressed bit stream).

12.   However, Mukherjee/Said fail to teach evaluating whether the dropped data from the compressed bit stream comprise at least a portion of the numerical offset value.

13.   Washisu however teaches the above-mentioned limitation. Washisu teaches that when an offset removal is determined (determination that the offset has been dropped) to within a predetermined range, a correction is carried out (see column 19, lines 52-57).

14.   Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to incorporate the determination of a removal of an offset bit as taught by Washisu into the compressed bit-stream containing offsets as taught by Mukherjee/Said. The motivation to do so would be to make adjustments in the bit stream.

15.   In further regards to claim 9 and 11, Washisu and Mukhejee/Said fail to teach, adjusting at least one of the reference point and the pointer when dropped data from the compressed bit stream comprises at least a portion of the numerical offset value and shifting at the reference or the pointer value.

16.   Green however teaches the above-mentioned limitation. Green teaches byte offset of 0 by 400 translating into shifting the offset to the left by 3 (see column 6, lines 1-3).

17.   Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to incorporate the use of shifting bits as taught by Green into the teachings of Washisu and Mukherjee/Said. The motivation to do would be to provide correct shifting of the bit stream.

18.   In regards to claim 14, on page 1 in the abstract section, Mukherjee/Said provides support for the use of XML.

19.   In regards to claims 15, 17-18 and 20, Mukherjee/Said state in section 5.3 that there are pointers that specify offsets to or location of other parts of the bit-stream in a compressed bit-stream. The resource descriptor allows specifying locations in the bit stream where offsets occurs, but does not specify exactly what these values are (provides support for a method for updating offset values associated with a compressed resource bit stream and a descriptor comprising offset information).

20.   However, Mukherjee/Said fail to teach evaluating whether the dropped data from the compressed bit stream comprise at least a portion of the numerical offset value and evaluating the compressed resource bit stream for the dropping of the offset value.

21.   Washisu however teaches the above-mentioned limitation. Washisu teaches that when an offset removal is determined (determination that the offset has been dropped) to within a predetermined range, a correction is carried out (see column 19, lines 52-57).

22.   Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to incorporate the determination of a removal of an offset bit as taught by Washisu into the compressed bit-stream containing offsets as taught by Mukherjee/Said. The motivation to do so would be to make adjustments in the bit stream.

23.   In further regards to claim 15, 17-18 and 20, Washisu and Mukhejee/Said fail to teach, repositioning offset information when the compress resource bit stream includes dropped offset information from the descriptor and repositioning the reference point.

24.   Green however teaches the above-mentioned limitation. Green teaches byte
offset of 0 by 400 translating into shifting the offset to the left by 3 (see column 6, lines
1-3).

25.   Therefore, it would have been obvious for one of ordinary skill in the art at the
time the invention was made to incorporate the use of shifting bits as taught by Green
into the teachings of Washisu and Mukherjee/Said. The motivation to do would be to
provide correct shifting of the bit stream.

26.   In regards to claim 16, Mukherjee/Said state in section 5.3 that there are pointers
that specify offsets to or location of other parts of the bit-stream in a compressed bit-
stream. The resource descriptor allows specifying locations in the bit stream where
offsets occurs, but does not specify exactly what these values (reference values) are.

27.   In regards to claim 21, on page 1 in the abstract section, Mekherjee/Said
provides support for the use of XML.

28.   In regards to claims 22 and 23 Mukherjee/Said state in section 5.3 that there are
pointers that specify offsets to or location of other parts of the bit-stream in a
compressed bit-stream. The resource descriptor allows specifying locations in the bit
stream where offsets occurs, but does not specify exactly what these values are
(provides support for a method for updating offset values associated with a compressed
resource bit stream and a descriptor comprising offset information).

29.   However, Mukherjee/Said fail to teach evaluating whether the dropped data from
the compressed bit stream comprise at least a portion of the numerical offset value and
evaluating the compressed resource bit stream for the dropping of the offset value.

30.   Washisu however teaches the above-mentioned limitation. Washisu teaches that
when an offset removal is determined (determination that the offset has been dropped)
to within a predetermined range, a correction is carried out (see column 19, lines 52-
57).

31.   Therefore, it would have been obvious for one of ordinary skill in the art at the
time the invention was made to incorporate the determination of a removal of an offset
bit as taught by Washisu into the compressed bit-stream containing offsets as taught by
Mukherjee/Said. The motivation to do so would be to make adjustments in the bit
stream.

32.   In further regards to claims 22 and 23, Washisu and Mukhejee/Said fail to teach,
repositioning offset information when the compress resource bit stream includes
dropped offset information from the descriptor and repositioning the reference point.

33.   Green however teaches the above-mentioned limitation. Green teaches byte
offset of 0 by 400 translating into shifting the offset to the left by 3 (see column 6, lines
1-3).

34.   Therefore, it would have been obvious for one of ordinary skill in the art at the
time the invention was made to incorporate the use of shifting bits as taught by Green
into the teachings of Washisu and Mukherjee/Said. The motivation to do would be to
provide correct shifting of the bit stream.

35.   In regards to claim 24, Mukherjee/Said state in section 5.3 that there are pointers
that specify offsets to or location of other parts of the bit-stream in a compressed bit-
stream. The resource descriptor allows specifying locations in the bit stream where

offsets occurs, but does not specify exactly what these values are (provides support for

a method for updating an offset in a bit stream subsequent to bit stream segment drops

using a descriptor comprising descriptor data comprising a reference point in the bit

stream and a numerical offset value from the reference point in the bit stream and the

said reference point and said numerical offset value having the ability to determine a

pointer).

36.   However, Mukherjee/Said fail to teach evaluating whether the offset value (a

pointer or a reference value) has been dropped from the bit stream.

37.   Washisu however teaches the above-mentioned limitation. Washisu teaches that

when an offset removal is determined (determination that the offset has been dropped)

to within a predetermined range (bytes proximate to the pointer and the reference point

have been removed), a correction is carried out (see column 19, lines 52-57).

38.   Therefore, it would have been obvious for one of ordinary skill in the art at the

time the invention was made to incorporate the determination of a removal of an offset

bit as taught by Washisu into the compressed bit-stream containing offsets as taught by

Mukherjee/Said. The motivation to do so would be to make adjustments in the bit

stream.

39.   In further regards to claim 24, Washisu and Mukhejee/Said fail to teach, updating

the numerical offset value when the pointer or the reference value or the bytes

proximate to them have been removed.

40.   Green however teaches the above-mentioned limitation. Green teaches byte

offset of 0 by 400 translating into shifting the offset to the left by 3 (see column 6, lines

1-3).

41.   Therefore, it would have been obvious for one of ordinary skill in the art at the

time the invention was made to incorporate the use of shifting bits as taught by Green

into the teachings of Washisu and Mukherjee/Said. The motivation to do would be to

provide correct shifting of the bit stream.

Allowable Subject Matter

        Claims 4-6, 8, 10, 12-13 and 19 objected to as being dependent upon a rejected

base claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

Response to Arguments

        Applicant's arguments filed 2/15/2010 have been fully considered but they are

not persuasive. The applicant argues that in the previous response dated 7/6/2009, the

applicant submitted Declaration under 37 C.F.R. §1.132 which declared that the

relevant portion of the article authored by Mukherjee et al. titled "Structured Scalable

Metaformats (SSM) version 1.0 for Content Agnostic Digital Item Adaptation"

(hereinafter referred to as the "Mukherjee article") was Applicants' own work. The

applicant further argues that the relevant portion of the Mukherjee article is the same as

section 5.3 of the Mukherjee/Said article. However submitting the declaration under 37

C.F.R. §1.132 to disqualify the Mukherjee article as prior art is not sufficient to disqualify

the Mukherjee/Said article as prior art. Therefore, the examiner maintains the rejection

mailed on 11/16/2009 (reproduced above).

   The examiner has introduced a new rejection under 35 USC § 101 which was not

necessitated by any amendment; thus the present action is made non-final.

Conclusion

   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JAY P. PATEL whose telephone number is (571)272-

3086. The examiner can normally be reached on Mon.-Thurs.: 8:00 a.m.- 6:30 p.m..

   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Daniel J. Ryman can be reached on (571)272-3152. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. P. P./

Examiner, Art Unit 2466

/Daniel J. Ryman/
Supervisory Patent Examiner, Art Unit 2466